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RICHARD H. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN V. RYAN (CASBN 118321)
United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RENEE MYERS,

Defendant.

No. CR 03-40102 DLJ

VIOLATIONS: Title 18, United States
Code, Section 401(3) – Contempt; Title 18,
United States Code, Section 157 –
Bankruptcy Fraud

OAKLAND VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATION

1. On or about March 21, 2001, the Honorable Randall J. Newsome, a judge in the United States Bankruptcy Court for the Northern District of California, entered an injunction (hereinafter “the Order”) against the defendant Renee Myers and William Jamal Myers which provided in pertinent part as follows:

It is . . . ORDERED that a permanent injunction is issued permanently and perpetually restraining and enjoining Defendants, either individually or through any association with any corporation, partnership, sole proprietorship, unincorporated association or any other affiliated entity, their officers, agents, servants, employees,

482

and attorneys, and those persons in active concert or participation with them who receive actual notice of the Final Judgment by personal service or otherwise, from, directly or indirectly, engaging in any bankruptcy petition preparer services as defined in 11 U.S.C. § 110, or in any way providing bankruptcy petition preparer services.

COUNTS ONE THROUGH TWELVE: (18 U.S.C. § 401(3))

2. On or about the dates set forth below, in the Northern District of California, the defendant,

RENEE MYERS,

knowingly and intentionally violated the Order by providing bankruptcy petition preparer services by directly and indirectly preparing Voluntary Petitions for Bankruptcy that were filed in the Oakland branch of the Bankruptcy Court of the Northern District of California in the cases set forth below:

<u>COUNT</u>	<u>DATE</u>	<u>BANKRUPTCY CASE NUMBER</u>
1	April 17, 2001	01-42152
2	April 30, 2001	01-42447
3	May 25, 2001	01-43002
4	June 18, 2001	01-43435
5	July 2, 2001	01-43691
6	July 26, 2001	01-44088
7	July 26, 2001	01-44090
8	August 8, 2001	01-44354
9	August 8, 2001	01-44357
10	August 9, 2001	01-44412
11	September 24, 2001	01-45174
12	November 5, 2001	01-45920

all in violation of Title 18, United States Code, Section 401(3).

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1 COUNTS THIRTEEN THROUGH TWENTY-FOUR: (18 U.S.C. § 157)

2 THE FRAUDULENT SCHEME

3 3. Beginning on or about April 17, 2001, and continuing through November 5, 2001,
4 in the Northern District of California, the defendant,

5 RENEE MYERS,

6 did knowingly and intentionally devise a scheme and artifice to defraud the United States
7 Bankruptcy Court.

8 4. The purpose of the scheme and artifice was to allow MYERS to continue to act as
9 a Bankruptcy Petition Preparer after a court had ordered her to stop performing this service, to
10 conceal MYERS' involvement in preparing bankruptcy petitions, and to allow MYERS to collect
11 fees for her services that were in excess of the amount permitted by law and in excess of the
12 value of the services she provided.

13 MANNER AND MEANS OF THE FRAUDULENT SCHEME

14 5. It was part of the scheme and artifice to defraud that MYERS prepared and
15 assisted in the preparation of Voluntary Bankruptcy Petitions that were filed in the Bankruptcy
16 Court.

17 6. It was further part of the scheme and artifice that MYERS concealed and caused
18 others to conceal and misrepresent the fact that MYERS was the petition preparer on Voluntary
19 Bankruptcy Petitions filed in the Bankruptcy Court.

20 7. It was further part of the scheme and artifice that, where necessary to accomplish
21 her unlawful objectives, MYERS knowingly:

- 22 a. forged the signature of the allegedly bankrupt debtor on the bankruptcy
23 petition and other documents filed in bankruptcy cases;
- 24 b. advised her client to lie about the fact that MYERS had prepared the
25 bankruptcy petition;
- 26 c. filed the bankruptcy petition contrary to the express directive of the
27 allegedly bankrupt debtor;
- 28 d. induced the allegedly bankrupt debtor to sign documents which, in effect,

- 1 fraudulently transferred property and assets of the debtor to MYERS;
2 e. charged excessive fees for her bankruptcy petition preparer services; and
3 f. failed to report the fees she received for her services to the Bankruptcy
4 Court.

5 8. On or about the dates set forth below, in the Northern District of California, the
6 defendant,

7 RENEE MYERS,

8 having devised and intending to devise a scheme and artifice to defraud, and for the purpose of
9 executing and concealing such a scheme and artifice, filed and caused to be filed the following
10 petitions under Title 11 of the United States Code; filed and caused to be filed a document in a
11 proceeding under Title 11 of the United States Code; and made and caused to be made a false
12 and fraudulent representation concerning and in relation to a proceeding under Title 11 of the
13 United States Code, at any time before and after the filing of the petition, knowing such
14 representation was false and fraudulent:

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<u>COUNT</u>	<u>DATE</u>	<u>BANKRUPTCY CASE NUMBER</u>
16 13	April 17, 2001	01-42152
17 14	April 30, 2001	01-42447
18 15	May 25, 2001	01-43002
19 16	June 18, 2001	01-43435
20 17	July 2, 2001	01-43691
21 18	July 26, 2001	01-44088
22 19	July 26, 2001	01-44090
23 20	August 8, 2001	01-44354
24 21	August 8, 2001	01-44357
25 22	August 9, 2001	01-44412
26 23	September 24, 2001	01-45174
27 24	November 5, 2001	01-45920

28 all in violation of Title 18, United States Code, Section 157.

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1 Sentencing Factor Allegations for Counts One through Twenty-Four:

- 2 1. The loss exceeded \$10,000.
- 3 2. The offense involved a misrepresentation and other fraudulent action during the
- 4 course of a bankruptcy proceeding.

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6 DATED: 10/28/09

A TRUE BILL.

7 
8 FOREPERSON

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10 KEVIN V. RYAN
United States Attorney


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13 EUMIL L. CHOI
Acting Chief, Criminal Division

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16 (Approved as to form: )

AUSA AULT